

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**MIRTHA DE LOS SANTOS**

**Defendant.**

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**1:05-cr-372-09-WSD**

**OPINION AND ORDER**

This motion is before the Court on the Government's Motion to Continue Trial Date [204] and Defendant's Motion for Enlargement of Time [208].

Defendant has not responded to the Government's motion.

On September 10, 2007, this Court issued a scheduling order in this case. The Court ruled that motions in limine or to exclude evidence or testimony must be filed by September 14, 2007. The Court also set an October 1, 2007 trial date. The Government moves to continue the trial date because its counsel in this case has previously scheduled criminal trials before other judges in this court which conflict with the scheduling of this action.

The Speedy Trial Act, 18 U.S.C. § 3161, sets forth the parameters of a defendant's speedy trial right. The Act recognizes certain types of delay as sufficiently important to be excluded from the speedy trial computation. Section

3181(h)(8)(A) excludes “[a]ny period of delay resulting from a continuance granted . . . at the request of the attorney for the Government . . . [upon] findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” The Speedy Trial Act provides several factors to guide the Court’s determination of whether the ends of justice are served by granting a continuance, including:

[w]hether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within [the exception for complex cases], would deny the defendant reasonable time to obtain counsel, would unreasonably deny the defendant or the Government continuity of counsel, or would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

18 U.S.C. § 3161(h)(8)(B)(iv).

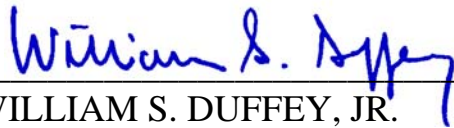
If the Court does not allow a continuance, the government will be denied continuity of counsel in this case. The Court finds that the ends of justice served by continuing the trial date outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the trial date is continued until November 5, 2007. In light of the continued trial date, the Court grants Defendant’s motion for enlargement of the time to file pre-trial motions.

Accordingly,

**IT IS HEREBY ORDERED** that the Government's Motion to Continue Trial Date [204] is **GRANTED**. The trial date in this matter is **CONTINUED** until November 5, 2007.

**IT IS FURTHER ORDERED** that the Defendant's Motion for Enlargement of Time [208] is **GRANTED**. Pre-trial motions in this case shall be accepted until September 21, 2007.

**SO ORDERED** this 27th day of September, 2007.

  
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WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE